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**Federal Communications Commission**

WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Amendment of Part 90 of the )  
Commission's Rules to Facilitate )  
Future Development of SMR Systems )  
In the 800 MHz Frequency Band )

DOCKET FILE COPY ORIGINAL

PR Docket No. 93-144  
GN Docket No. 93-252  
PP Docket No. 93-253

**COMMENTS OF GENERAL MOTORS RESEARCH CORPORATION**

General Motors Research Corporation ("GMRC"), a subsidiary of General Motors Corporation ("GM"), hereby files its comments in response to the First Report and Order, Eighth Report and Order, and Second Further Notice of Proposed Rulemaking ("Order") issued by the Commission in the above-captioned dockets, FCC 95-501, on December 15, 1995.

**I. GM IS A LICENSEE OF 800 MHZ NON-SMR GENERAL CATEGORY CHANNELS**

General Motors Corporation and its affiliates have used the private radio spectrum for 40 years for communications related to the protection of life and property as well as for coordination of their labor and material resources. Among the many private radio licenses held by GMRC is one for a 20-channel 800 MHz trunked radio system in the Detroit, Flint, and Pontiac, Michigan area. This system provides mobile communications critical to General Motors automotive production activities in Michigan, including activities such as maintaining GM production lines at efficient operational levels, coordinating "just-in-time" inventory deliveries, providing security and emergency

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response necessary for the protection of human lives and property, and for numerous other maintenance, engineering, environmental, and supervisory functions necessary for the efficient operation of GM's manufacturing facilities in this key geographic area. GMRC does not use the 20-channel trunked system to provide for-profit commercial communications service to third parties unaffiliated with GM's manufacturing activities.

Twelve of the twenty channels in GMRC's trunked Michigan system are so-called General Category channels with frequencies below 854.4765 MHz. The twelve General Category channels are an integral part of the 20-channel trunked system which GM utilizes extensively every day to increase the efficiency and productivity of its businesses and to maintain its competitiveness in the face of formidable challenges from domestic and foreign manufacturers. GM does not and cannot separate its use of the 12 channels licensed in the General Category from its use of the eight channels in the same trunked system that are licensed in the Industrial/Land Transportation category.

GM, through another of its subsidiaries, also operates a trunked 800 MHz system on General Category channels in Doraville, Georgia. This system also is integral to GM's business operations. GM, therefore, will be affected adversely by any Commission decision which impairs the use of its licensed General Category channels for non-commercial private mobile radio service.

**II. THE COMMISSION SHOULD PROTECT THE RIGHTS AND INTERESTS OF INCUMBENT NON-SMR GENERAL CATEGORY LICENSEES**

The Commission addressed many different issues affecting the use of 800 MHz channels in its December 15 Order. Among other things, the Commission redesignated the upper 10 MHz block of spectrum within the 800 MHz band for wide-area commercial SMR systems and developed a plan for mandatory relocation of incumbent SMR operators to lower bands, including General Category channels in the 806-810/851-855 bands. The Commission also redesignated the General Category channels, which previously were open to all Part 90 eligibles, including public safety, special emergency, industrial and land transportation eligibles, for commercial SMR use exclusively. Order at para. 137.

The Commission further proposed that the lower 80 SMR channels and the General Category channels in the 800 MHz band be converted to geographic area SMR licensing. Id. at para. 294. With respect to these channels, however, the Commission stated "that there are no equitable means of relocating incumbents to alternative channels, and that there are no identifiable alternative channels to accommodate all such incumbents." Id. at para. 315. The Commission, therefore, tentatively concluded that there should be no mandatory relocation of incumbent SMR operators from the lower 80 and General Category channels.

The Commission, however, proposed no similar protection, or any protection at all, for non-SMR incumbents on General Category channels. The Commission simply asked for

comments "to address how non-SMR licensees operating on the lower 80 and General Category licenses should be treated. Should these licenses be relocated to non-SMR channels, and if so, under what circumstances and pursuant to what type of relocation plan?" Id.

GMRC opposes the Commission's decision to redesignate General Category channels exclusively for SMR use, and it anticipates that this aspect of the Commission's order will be subject to petitions for reconsideration.<sup>1/</sup> By the Commission's decision to foreclose the future licensing of General Category channels to non-commercial industrial and business operators, the Commission will harm American industry's competitiveness in the world marketplace by limiting the flexibility of American manufacturers whose specialized communications requirements cannot be satisfied by commercial carriers. U.S. and worldwide markets do not remain static, and incumbent non-SMR licensees such as GMRC cannot remain competitive if their private communications systems effectively are locked in place and cannot be expanded or modified to meet changing circumstances.

To the extent the Commission does not reconsider its decision to redesignate the 800 MHz General Category frequencies for SMR use exclusively, the Commission at the very least should protect the rights and interests of incumbent non-SMR licensees of General Category channels. As the Commission noted in the Order, there are no identifiable alternative channels to

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<sup>1/</sup> The deadline for filing petitions for reconsideration of this aspect of the Commission's Order has not been established.

accommodate all General Category incumbents. This is especially true for incumbents in congested areas near the Canadian border such as Detroit, Michigan, which have no available private industrial/land transportation spectrum above 800 MHz. Consistent with its recent proposal in WT Docket No. 96-18 (affecting paging services), the Commission at least should treat commercial and non-commercial General Category licensees similarly and not require the mandatory relocation of any General Category licensee, while providing protection to both SMR and non-SMR incumbent co-channel systems.<sup>2/</sup> The Commission also should examine in detail the spectrum availability in Canadian border areas before it adopts any scheme that either would relocate or limit the operational flexibility of incumbent non-SMR General Category licensees in those areas.

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<sup>2/</sup> See Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems, WT Docket No. 96-18, PP Docket No. 93-253, FCC 96-52, February 9, 1996, at para. 38 (commercial and non-commercial private carrier paging licensees to be treated similarly under proposed geographic area licensing approach; both would be permitted to continue to operate under their existing authorizations and would receive the same level of co-channel protection).

### III. CONCLUSION

For the foregoing reasons, the Commission should take action consistent with the views expressed herein.

Respectfully submitted,

**GENERAL MOTORS RESEARCH CORPORATION**

  
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Randolph J. May  
Timothy J. Cooney  
Sutherland, Asbill & Brennan  
1275 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2404  
202-383-0100

Its Attorneys

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